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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002829

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SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 21, 2009

REF: BAGHDAD 2825

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for reason  
s 1.4(b) and (d).

11. (C) SUMMARY. Midday on October 21, Speaker Ayad al-Samarra'i announced that the Presidency Council of the Council of Representatives (COR) would refer the election law to the Political Council for National Security (PCNS). This action was predicted October 20 in conversations A/DCM had with Deputy Speaker Khalid Attiya, ISCI bloc leader Jalal al-Din al-Saghir and MP Qasim Daud (Ref A). Now that the matter has been referred to the PCNS, COR action on the election law is on hold while PCNS members return to Baghdad to convene a discussion. CDA, A/DCM and poloffs continue to engage with key players to ensure that the PCNS is ready to address the key decisions. END SUMMARY.

Election Law Debate Moves to the PCNS  
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12. (C) During a press conference today, Speaker Samarra'i expressed his disappointment that parties had not been able to reach consensus on the terms of a new election law. He also announced that the Presidency Council of the Council of Representatives (COR) would refer the election law to the Political Council for National Security (PCNS). In an October 21 meeting with CDA and A/DCM, Samarra'i acknowledged that the situation in the COR "did not look good," with the Kirkuk issue effectively blocking any progress on the election law. For that reason, he said he would urge President Talabani to call a meeting of the PCNS as soon as possible, "possibly today or tomorrow." (COMMENT: The Speaker seemed agitated, beleaguered, and frustrated by the political impasse he had been working to overcome over the past week. END COMMENT.) Samarra'i described the state of play at the COR and rejected the possibility of bringing less controversial amendments to a vote to break the consensus deadlock. According to the Speaker, the Arabs and Turkomen would not accept postponing consideration of the Kirkuk voter registry issue, since they would lose their leverage once the electoral commission had the basic elements needed for a law to move forward. The Arabs and Turkomen, he made clear, had enough support prevent a quorum on a vote of the less controversial procedural issues.

13. (C) (NOTE: The Political Council for National Security (PCNS) is a rarely used extra-constitutional body that can help marshal Iraq's political forces before issues are taken to the Council of Ministers (COM) or Council of Representatives (COR). The PCNS consists of the three Presidents, PM Maliki, DPM Issawi and other key ministers, and the heads of the major political blocs in the COR. Talabani convenes the PCNS but has in the past done so only at Maliki's request. We have encouraged the Iraqis to use the PCNS as a mechanism to coordinate COR action with the Executive branch, and prevent the COR from passing legislation that the Presidency Council might later veto. PM Maliki and other leaders also use the PCNS for political

cover on contentious issues. END NOTE.)

MP Views on the State of Play

14. (C) COR Deputy Speaker Khalid Attiya explained to A/DCM October 21 that the COR had reached deadlock and could not reach a solution on a draft amendment to the 2005 election law. Attiya told A/DCM that the parties were hardening their positions, and he wanted the COR to recess until early next week to avoid a continued exchange of statements and accusations among the MPs. Like Samarra'i, he recommended that the COR leadership refer the matter to the PCNS. When A/DCM asked Attiya's views on the possibility of negotiating seats in a quota arrangement among the ethnic groups in Kirkuk, Attiya conceded that this plan had anti-democratic aspects, but added that "Iraq is at the beginning of its democratic path." He predicted that the Kurds would not accept such a plan, and lamented that the Turkomen and Sunni Arabs in Kirkuk would likely accept nothing less.

15. (C) Sunni Arab MP Omar Jeboori told A/DCM October 21 that the Kurds must accept that politically and legally, Kirkuk is a "special case." Jeboori could not accept the voter lists in Kirkuk for the 2009 provincial election and he will not accept them for the 2010 national election arguing, "Nothing has changed to fix them." A/DCM said most COR blocs do not oppose reviewing voter registration lists in Kirkuk and maybe also in other provinces. A/DCM said that we acknowledge that Kirkuk is special, but right now ensuring a national election in January 2010 is the priority and that all Iraqis must participate, including those in Kirkuk. Moreover,

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effectively addressing the broader question of Kirkuk depends on a timely election of a new COR and formation of a new government.

16. (C) MP Sami al-Askari (Da'wa) told A/DCM that he was worried that the COR's decision to send the election law to the PCNS would only add to the delay in passing an election law because the PCNS would fail to take a position. He said that the only solution is for a majority vote in the COR to pass a law because operating by consensus will not work. Askari said that the problem remains between the Kurds, Arabs and Turkomen in Kirkuk. He said that when Da'wa warns the Arabs and Turkomen that they will "lose even more" if a new amendment is not passed and the COR reverts to the 2005 election law, the Arabs and Turkomen reply, "then there should be no election." Askari also argued that the size of the COR cannot increase until there is an accurate census because it is hard to estimate accurately the seats for certain provinces, like Ninewa. Askari said, therefore, that Kirkuk should have the same number of COR seats it does now, and that they should be divided as five seats for the Kurds, three for the Sunni Arabs and one for the Turkomen. He concluded by affirming to A/DCM that, "There will be an election in January, but now it is just a question of whether it will be a good election."

17. (C) Independent Kurdish MP Mahmoud Othman predicted to poloff that an agreement on the election law could take up to two more weeks. He added, "we should really delay the elections for another 6 months" because rushing to get the law will result in a weak, problematic agreement. Othman also predicted that COR members will be forced to go with open lists. He told poloff that Iraqis are resilient and are used to delays, and so will not resort to violence in the event that elections are not held in January.

18. (C) On the evening of October 21, MP Qasim Daud, who had just returned from a meeting of the Iraqi National Alliance (INA), told poloff that the INA just narrowed its considerations to two election law proposals to take to the PCNS. The INA's first proposal calls for the COR to

immediately pass a law for 311 seats in the COR, open lists, and an election date of January 16, and then subsequently passing a second law that will address the Arab and Turkomen concerns about Kirkuk. The alternate INA proposal is for the COR to concurrently approve a committee to review voter lists and pass an open list law that states the law will not affect the status of any province under dispute. Daud predicted the PCNS would meet on October 24 or 25.

#### UNAMI Calls on the COR to Act Quickly

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¶9. (U) In a press release on October 21, UNAMI SRSG Ad Melkert expressed concern that the COR's delay in passing amendments to the 2005 election law could "considerably disrupt the electoral calendar and preparations" for the parliamentary elections. Melkert emphasized the importance of the January 16, 2010, election date as it falls within the limits set by Iraq's Constitution. He said, "Time is critical and further delays in ratifying the amendment clarifications and the legal framework can adversely affect both the current electoral timeline, and ultimately the credibility of the electoral process."

#### IHEC: "We Are Ready"

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¶10. (U) Commissioners of the Independent High Electoral Commission (IHEC) held a press conference October 21 at which they announced IHEC is ready to implement the election law as Qthey announced IHEC is ready to implement the election law as soon as it is ready. The Commissioners called on the COR to pass legislation as soon as possible so that the IHEC can adhere to its operational time line in advance of the January 16, 2010, election date. In response to questions from the press, Commissioner Kareem al-Tamimi said, "IHEC has not been sitting passively" waiting for the law; instead, IHEC has completed all of the preparations possible without a law. When asked about accusations against IHEC, Chairman Faraj al-Haydari said that despite what had happened in the COR, IHEC is ready to do what is needed, adding "the (COR's) interrogation has not affected morale."

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